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    H.R. 68, THE "JUVENILE ACCOUNTABILITY
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    BLOCK GRANT REAUTHORIZATION AND THE BULLYING
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    PREVENTION AND INTERVENTION ACT OF 2015"
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    Wednesday, July 13, 2016
    House of Representatives,
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    Committee on the Judiciary,
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    Washington, D.C.
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         The committee met, pursuant to call, at 11:00 a.m., in
    Room 2141, Rayburn House Office Building, Hon. Bob Goodlatte,
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    [chairman of the committee] presiding.
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         Present:
                    Representatives Goodlatte, King,
                                                           Franks,
    Jordan, Chaffetz, Gowdy, Labrador, Collins, Buck, Ratcliffe,
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    Trott, Bishop, Conyers, Nadler, Lofgren, Jackson Lee, Cohen,
    Pierluisi, Bass, Richmond, DelBene, Jeffries, Ciclline, and
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18
    Peters.
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         Staff Present: Shelley Husband, Staff Director; Branden
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    Richie, Deputy Staff Director/Chief Counsel; Zachary Somers,
    Parliamentarian & General Counsel; Ryan Breitenbach, Counsel,
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22	Subcommittee on Crime, Terrorism, Homeland Security, and
23	Investigations; Alley Adcock, Clerk; James Park, Minority
24	Counsel; Veronica Eligan, Minority Clerk.

25 Chairman Goodlatte. Good morning. The Judiciary 26 Committee will come to order, and without objection, the 27 chair is authorized to declare a recess of the committee at 28 any time. Pursuant to notice, I now call up H.R. 68 for 29 purposes of markup, and move that the committee report the 30 bill favorably to the House. The clerk will report the 31 bill. 32 Ms. Adcock. H.R. 68, to amend the Omnibus Crime Control Act and Safe Streets Act of 1968, to enhance the use 33 34 of Juvenile Accountability Block Grants for programs to prevent and address occurrences of bullying, and to 35 36 reauthorize the Juvenile Accountability Block Grants 37 Program. 38 [The bill follows:] ******* INSERT 1 ****** 39

Chairman Goodlatte. Without objection, the bill is considered as read and open for amendment at any point. And I will begin by recognizing myself for an opening statement.

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committee's criminal justice reform initiative seeks to address a number of issues, including juvenile justice reform. We continue forward with our efforts today with consideration of H.R. 68, the Juvenile Accountability Block Grant Reauthorization, and the Bullying Prevention and Intervention Act. This bill reauthorizes the Justice Department's Juvenile Accountability Block Grant Program and strengthens the JABG program to reduce youth crime, and contains a robust accountability and oversight mechanism to ensure taxpayer dollars are used efficiently and appropriately.

I want to thank the sponsor of this legislation, Congresswoman Jackson Lee, for her dedication and hard work on this issue. Crimes committed by our Nation's youth strike at the very core of our communities. Our children are the promise of a bright future and our hope for continued prosperity; reducing juvenile crimes and improving the juvenile justice system is a vital step to preserving and protecting the future of our children.

The JABG program provides grants to States, tribes, and localities to strengthen their juvenile justice systems, and reduce recidivist behavior. The program currently has 17

authorized purpose areas, including the implementation of graduated sanctions for juveniles, support for prosecutorial initiatives aimed at curbing drug use, violence, and gangs, accountability-based school safety initiatives; the establishment of juvenile drug courts; and bullying and cyberbullying prevention.

The JABG program was most recently reauthorized in 2005, and despite JABG currently being unauthorized, this bipartisan program continued to receive funding through 2013. JABG received appropriations mostly recently in fiscal year 2013 when it received \$25 million.

The JABG program has a long history of bipartisan support among members of the Judiciary Committee; a reauthorization of this program will send a clear message to our colleagues on the Appropriations Committee that we support reinstating funding for this program, and again, I thank my colleague Congresswoman Jackson Lee for her work on this issue, and I urge my colleagues to support this bill.

It is now my pleasure to recognize ranking member of the committee, the gentleman from Michigan, Mr. Conyers, for his opening statement.

[The statement of Chairman Goodlatte follows:]

87 ******* COMMITTEE INSERT *******

Mr. Conyers. Thank you, Chairman Goodlatte. Members of the committee, I support H.R. 68, which would reauthorize and update the Juvenile Accountability Block Grant Program. It is an important part of the comprehensive effort to help States improve and operate their juvenile justice systems. I commend particularly our ranking member of the Subcommittee on Crime, Sheila Jackson Lee, for her work on this important bill, and her steadfast desire to reform the ways our criminal justice system treats young offenders.

In the late 1990s, fears about the prospects about the prospects of a wave of juvenile crime, which turned out to be unfounded, inspired some legislators to call for harsher penalties for juvenile offenders. Instead, this committee, in a bipartisan fashion, worked to develop a program to help States take a more measured approach. That was the genesis of the Juvenile Accountability Incentive Block Grant Program, as it was originally named, and which was enacted in 1997.

This program encourages the use of accountability models that hold juveniles responsible for their behavior by imposing consequences commensurate with the seriousness of the offense and the youth's prior criminal history, if any. In other words, it is fair, and more effective from the standpoint of public safety, to not impose an overly harsh and disproportionate sentence on a young offender who has

little or no history of prior offenses. So that is why this committee has a history of bipartisan support for the Juvenile Accountability Block Grant Program.

Although the authorization for the program expired several years ago, it deserves to be reauthorized, and our continued support is one of the ways the Federal Government provides assistance and guidance to States on their juvenile justice systems. This program fits within the framework of other initiatives targeting specific issues in order to support these systems, and safeguard the rights of young offenders.

And there are other steps we must take, even as we work to reauthorize this worthy program today. And to this end, I remain committed to working with the chairman of this committee, and every member on it, to strengthen our common interest in ensuring appropriate treatment of young offenders. H.R. 68 is an important contribution to achieving this critical goal, and so I urge my colleagues to join with us in supporting this bill. Mr. Chairman, I thank you, and yield back the balance of my time.

[The statement of Mr. Conyers follows:]

134 ****** COMMITTEE INSERT ******

Chairman Goodlatte. The chair thanks the gentleman, and recognizes the sponsor of the legislation, the gentlewoman from Texas, Ms. Jackson Lee, for her opening statement.

Ms. Jackson Lee. Mr. Chairman, thank you so very much, and let me thank the ranking member as well, and take just a moment to acknowledge an officer who died in the line of duty in my district in a motorcycle crash. I just wanted to acknowledge that, and recognize, of course, the memorial that I attended yesterday for the officers in Dallas, Texas.

I thank all of my colleagues for their support and prayers. This is an opportunity again for this committee to show itself as one of the most important law-making committees in the United States Congress, truly impacting lives and certainly lives of young people.

So my appreciation is to Mr. Goodlatte, Mr. Conyers, for your continued engagement and support, and to each and every member of the committee, Republicans and Democrats, who have given, in essence, their consent to this as we move forward, and the vision that we have for reforming the juvenile justice system.

This is an important step secondarily because we are looking at juvenile justice in a more innovative and, if I might say, right-standing way, and the Federal Government does have an essential role in the administration of

juvenile justice and the overall effectiveness of juvenile justice systems, the reason being that these block grants impact State, local, and tribal levels.

When coupled with State, local, and private funding, Federal investments seed and support the development, implementation, sustainability, and best practices in juvenile justice and delinquency preventions systems. We have not reauthorized this, as the chairman said, for a very long time.

Doing this now puts the Judiciary Committee stamp on what juvenile justice should look like. This JABG funding has fulfilled much needed funding for States and localities that lack sufficient resources; revisiting the need for reauthorization necessarily involves consideration whether this grant program in its current form reflects and supports cost-effective best practices.

I introduced H.R. 68, the Juvenile Accountability Block Grant reauthorization and bullying prevention and intervention act, in response for the need to reauthorize long-awaited juvenile justice programs, and to authorize and support funding to State and local governments, but also to have a new vision, not only sanctions that would not reduce recidivism for our young people, but incentives, untying the hands, and, in addition, looking at the horrors of bullying.

We find out that one out of every four students, 22

percent, report being bullied during the school year, but 64 percent of children who are bullied did not report it, and only 36 percent reported the bullying. More than half of bullying situations, 57 percent, stop when a peer intervenes on behalf of the student being bullied and school-based bullying prevention programs decrease bullying by up to 25 percent. We want more of that.

Research studies have shown that bullying in schools has a devastating effect on victims and perpetrators and the likely path into juvenile or criminal justice systems. We realize that what we are doing today may make life for a teen much better.

This legislation not only deals with incentives, like counseling, and other aspects of dealing with a juvenile, restorative justice, but it also takes in the new and advanced cyberbullying which many students will tell you is the most vicious. Not in the eyes of teachers and fellow students who can stop it, but in the unfortunate comfort level of your bedroom, a child may have an intrusion and be bullied.

And so this is a 21st century JABG. It is a recognition that our young people have changed, technology has changed, and we must change to ensure that we embrace them with a strong hand, but an understanding hand, and an ability to compromise, to be able to see what is the best

210 pathway for their life.

I would like to thank the staff as well on both sides of the committee. The Republican staff, our staff, Mr. Goodlatte's staff, Mr. Sensenbrenner's staff, Mr. Conyers' staff, and certainly I want to make mention of, which we will honor in just a moment, my counsel Tiffany Johnson, who passed away a few months ago. I want to acknowledge my staff in my personal office, Ms. Williams, and our additional fellows and interns who have been so helpful in this matter.

Mr. Chairman, I would like to submit these letters to the record at this point, because without the advocacy groups giving their constructive thoughts that we could analyze, we would not have a bill that responds to the new approach to taking care of young people.

I ask unanimous consent to put into the record letters signed by the American Psychological Association Campaign for Youth Justice, Child Welfare League of America, Center for Children on Law and Policy, Juvenile Law Center, PACE Center for Girls, Schubert Center for Child Studies, Southern Poverty Law Center, The Sentencing Project -- that is the National Juvenile Justice and Delinquency Prevention Coalition. I ask unanimous consent.

233 Chairman Goodlatte. Without objection, they will all 234 be made part of the record.

235	[The information follows:]
236	****** COMMITTEE INSERT *******

237	Ms. Jackson Lee. A letter from Dr. Robert Robin
238	Jenkins; I ask unanimous consent.
239	Chairman Goodlatte. Without objection.
240	[The information follows:]
241	****** COMMITTEE INSERT ******

242	Ms. Jackson Lee. An article saying, from the U.S. News
243	and World Report, what youth incarceration costs taxpayers,
244	\$21 billion. I ask unanimous consent.
245	Chairman Goodlatte. Without objection, it will be made
246	part of the record.
247	[The information follows:]
248	****** COMMITTEE INSERT *******

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249	Ms. Jackson Lee. The National Council of Juvenile and
250	Family Court Justices, which indicates that juvenile court
251	justices should have the same status as the highest level
252	trial court, and I ask for additional ideas of dealing with
253	the individualized and graduated responses, both sanctions
254	and incentives. I ask unanimous consent.
255	Chairman Goodlatte. Without objection, they will be
256	made a part of the record.
257	[The information follows:]
258	******* COMMITTEE INSERT *******

259	Ms. Jackson Lee. And finally, Mr. Chairman, a
260	graduated responses toolkit from the Children's Law and
261	Policy Center.
262	Chairman Goodlatte. Thank you. Without objection,
263	they will be made a part of the record.
264	[The information follows:]
265	****** COMMITTEE INSERT ******

Ms. Jackson Lee. And I simply close my remarks by saying that this is an important step toward our overall goals, looking forward to completing them, of criminal justice reform, but I would say that juveniles' lives who have come awry of the law in the early point of their life, when we know that intervention, love, firmness, can restore them and put them on a path that we will see them as doctors, lawyers, and astronauts, and members of Congress.

We know that the thinking in this bill of best practices, evidence, and the opportunity for incentives goes a long way in changing their lives. With that, I ask my colleagues to support the legislation. I yield back.

[The statement of Ms. Jackson Lee follows:]

279 ******* COMMITTEE INSERT ******

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Chairman Goodlatte. The chair thanks the gentlewoman. The chair would note for the members of the committee, for those who may not have noticed this, that our friend and colleague and very active member of this Congressman Ted Poe -- Judge Poe announced yesterday that he has been diagnosed with leukemia. So we would ask that all of you hold him up in your prayers. He has a statement which you can read and expresses his confidence that he will beat this, and as he would say, that is just the way it is. So keep him in your prayers. Ms. Jackson Lee. We will. Chairman Goodlatte. At this time, I now recognize the ranking member of the Crime, Terrorism, and Homeland Security and Investigations Subcommittee for the purposes of offering an amendment in the nature of a substitute. Ms. Jackson Lee. Thank you very much, Mr. Chairman. have an amendment at the desk, 384. Chairman Goodlatte. The clerk will report the amendment. Ms. Jackson Lee. Does everybody already have it? Chairman Goodlatte. Members have the amendment in the nature of a substitute before them. The clerk will report it. Ms. Adcock. Amendment in the nature of a substitute

for H.R. 68, offered by Ms. Jackson Lee of Texas.

305	all after the enacting clause	
306	[The amendment follows:]	
307	******* INSERT 2 *******	

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Chairman Goodlatte. Without objection, the amendment in the nature of a substitute is considered as read, and I will recognize Ms. Jackson Lee to explain the amendment.

Ms. Jackson Lee. Thank you so very much, Mr. Chairman, and allow me, members, to again thank you and go -- summarize the statement about this amendment [inaudible] bill, but I am grateful for the many who have invested in this.

As I indicated, this is a bill to deal with best [inaudible] practices in line of authorization. Particularly, the critical importance for funding evidencebased strategies for holding youth accountable and empowering States [inaudible] our juvenile justice system. I have worked previously with our previous member, Congressman Bobby Scott. And I want to thank him, as well, and the work that he is doing on the Eden Labor Committee at this time, trying to help out young people.

So the reauthorization of this bill provides, again, evidence-base, but it also provides language that provides for graduated sanctions, which are sometimes harsh. And this legislation and the amendment, provides language of incentives. Determined sentence means individualized, goal oriented and graduated responses to youth compliance, the court orders and case-disposition terms designed to, in fact, reinforce and modify the behavior of the youth

offender.

Incentives may include certificates of achievement, recommendation letters, family or program activity, meeting or special outing with community leaders, reduced community service hours, extended curfew or home visit, or decreased court appearances or term of court ordered supervision.

It would also mean it gives the family members, parents, grandparents, extended community, the opportunity to work with this juvenile and the incentives that may be given; it gives schools the ability to have a little bit more flexibility in assisting this juvenile, as well. In particular, a court may put in place counseling, restitution, community service, a fine, restorative justice programs, anything to say to the young person that we are willing to look to you to help us reform your behavior by giving you support systems to make a difference.

And so my amendment, hopefully, is driven by all the work that we have done since the time that I have introduced this bill, which has been a few years ago. But we have had the opportunity to look at this closely, and, we believe, that we are on the right track with research-based, antibullying, how best to address it, and then the new phenomenon of cyber bullying to work against that, as well. And for the resurgence of gangs, specifically gang prevention, but all of that goes, as well as mental health

services and trauma informed practices, to ensure that we are able to look at the whole reform of the child and to work with their family and extended community.

So I ask my colleagues to support this amendment as it enhances the re-authorization, gives us better tools, and gives us better ways to invest in our young people for whom the future of this country depends upon their success. Thank you and I yield back.

Chairman Goodlatte. The chair thanks the gentlewoman, and recognizes himself in support of the substitute amendment, which reauthorizes the JABG program for \$25 million a year. Grants from this program have helped provide communities with restorative justice programs, police and probation partnerships, drug and teen courts, and other programs which facilitate the successful reentry of juvenile offenders from custody back into the community.

In 2013, the Juvenile Accountability Block Grant Program provided local communities in my home State of Virginia with over \$386,000 to assist them in their efforts to make families and neighborhoods safer. These Federal grants are used to combat gang violence, curb juvenile drug use, and provide mediation services to juvenile offenders and their victims, meeting the challenge of reducing juvenile crime extends beyond the traditional punitive criminal justice system.

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One reason why this amendment in the nature of a substitute adds graduated incentives to the available purpose areas is to encourage juveniles to conform their behavior to societal norms. This is one more way juveniles in the justice system can receive the support they need to get back on the right track. This amendment also removes available purpose areas for the allocation of JABG funds, including those best addressed by the States, like the hiring of juvenile court judges, prosecutors, probation court-appointed defenders officers, and and special It also removes gun courts as an available advocates. purpose area for which States may use allocated grant funds. The substitute enhances a purpose area for anti-bullying and anti-cyber bullying prevention programs, as well as mental health services.

This amendment also promotes accountability of taxpayer dollars. The goal of the oversight and accountability mechanism in this amendment is to ensure that funds are allocated and used appropriately, effective grants stem from good governance and strong oversight.

Finally, this substitute clarifies through a sense of Congress that best practices should be followed in the administration of all JABG grants. I urge my colleagues to support this amendment, and strengthen juvenile justice programs throughout the country. Are there any amendments

408	to the amendment?
409	Ms. Jackson Lee. Mr. Chairman, I have an amendment at
410	the desk.
411	Chairman Goodlatte. The clerk will report the
412	amendment. The chair would point out to the gentlewoman,
413	she needs to ask unanimous consent.
414	Ms. Jackson Lee. Yes, I [inaudible] thank you. I have
415	would like unanimous consent to amend the amendment in
416	the nature of a substitute.
417	Chairman Goodlatte. Without objection, the amendment
418	to the amendment of the nature substitute will be considered
419	and the clerk will report the amendment.
420	Ms. Adcock. Amendment to the amendment in the nature
421	of a substitute to H.R. 68, offered by Ms. Jackson Lee of
422	Texas. Page 1, line 2
423	[The amendment follows:]
424	******* INSERT 3 *******

Chairman Goodlatte. Without objection, the amendment to the amendment is considered as read, and the gentlewoman is recognized for 5 minutes on her amendment.

Ms. Jackson Lee. Let me thank you very much, Mr. Chairman. And let me, as I begin, just to emphasize the importance of this legislation.

Let me start as I introduce my amendment with a statistic for all of you, and that is as many as 70 to 80 percent of youth involved in the justice system meet the criteria for a disability, while at least 75 percent have experienced traumatic victimization making them vulnerable to mental health disorders and proceed behavioral, noncompliance, and misconduct. And so, this bill, of course, provides that mental health inclusion to be able to help steer young people who have experienced certain objective issues in their life.

I am very pleased to offer this amendment, and I, again, thank the chairman and the ranking member for their work with us in particular. Many of you know how hard Tiffany Joslyn, my counsel who passed away four months ago, worked on this legislation. It is legislation that was near and dear to her heart.

And so we are very interested in acknowledging the hard work; how dedicated and hard-working the enthusiasm she had and the expertise to her work. We miss her dearly, but we

continue to benefit from her wise counsel. And she had a strong commitment to the juvenile justice system, and brought with it an astuteness and an affection. It may be evidence in the love she had for her family members and her young cousins and her wonderful family who embraced her well.

She worked hard to advance this bill and to reform the ways we address youth in our juvenile and criminal justice systems. And so this bill -- we would like to have her name as we continue the causes she had championed.

This bill would be ultimately -- if this amendment was passed -- called the Tiffany Joslyn Juvenile Accountability Block Grant Reauthorization and the Bully Prevention and Intervention Act of 2015, which would in essence provide us with the framework of which we have just discussed.

Secondly, this amendment would create a funding offset for the bill by reducing general administration expenditures by the Department of Justice for fiscal years 2018 to 2022. And I understand that this is a way for us to handle this as we move forward.

I believe this is an appropriate procedure and process because, again, let me emphasize, we are doing something important today, we are re-authorizing putting the judiciary committee stamp on criminal justice being a part of juvenile justice, and juvenile justice being a part of criminal

475 justice. And I would ask my colleagues to support it.

Finally, let me say, in the passing of Tiffany, we all felt a great loss. This great tribute to her will be a lasting tribute and salute to her and her family. And I want to acknowledge that her father, Mr. Joslyn, is listening to our debate. I want to thank him for his beautiful daughter and to all of his family for how she contributed to the betterment of this country.

With that I ask my colleagues to support this amendment to the nature of the substitute -- amendment in nature of substitute.

Chairman Goodlatte. The chair thanks the gentlewoman, and recognizes himself. I thank the gentlelady for her amendment and support, ensuring that this bill complies with all necessary offset rules that promote good stewardship of taxpayer dollars. I would also like to recall Tiffany Joslyn's dedication to juvenile justice issues. Tiffany was a passionate and strong advocate for juvenile justice.

And while her counsel and friendship is missed on the committee, it is appropriate to name this bill after a public servant who devoted her energy and legal skills toward these important issues. And I urge my colleagues to support the amendment. For what purpose does the gentleman from Michigan seek recognition?

Mr. Conyers. To strike the requisite number of words,

500	Mr. Chairman.
501	Chairman Goodlatte. The gentleman is recognized for 5
502	minutes.
503	Mr. Conyers. My fellow colleagues on the committee, it
504	is fitting that through this amendment, we are naming the
505	bill in honor of Tiffany Joslyn, who was a dedicated
506	staffer, working primarily with the gentlelady from Texas,
507	who has worked on this legislation. We sadly lost Tiffany
508	Joslyn in a tragic motor vehicle accident in March, but we
509	vowed that we would double our efforts on the issues that
510	were her passion, particularly, youth justice reform and
511	criminal justice reform.
512	And so I am pleased to urge support of the amendment to
513	the substitute, and urge that we pass this with all
514	deliberate speed. Thank you, Mr. Chairman, and I yield back
515	the balance of my time.
516	Ms. Jackson Lee. Mr. Chairman? Did the gentleman
517	yield?
518	Mr. Conyers. I yield to the gentlelady from Texas.
519	Ms. Jackson Lee. Let me thank all of your for your
520	very kind words about Tiffany. I think when you have
521	bipartisan recognition of the great service that she has
522	given and many all of the members realize how important
523	our staff expertise is to all of us and certainly
524	contributing to the legislative process of this Congress

thank you so very much for honoring her with this tribute, giving her the ability, of course, to have long-lasting presence on something very important and near and dear to her, and near and dear to us -- reforming the criminal justice system and reforming it starting at the very roots, and that is helping out young people steer away from the criminal justice system.

With that I would like to put into the record, Mr. Chairman, the mentor letter from the National Mentoring Partnership in a letter in support of this legislation, which is a tribute to what we are doing from David Shapiro, the chief executive officer.

I would ask unanimous consent to put that into the record, and ask my colleagues to support naming this legislation after Tiffany Joslyn, and, as well, making sure that we have the funding process that we should have for that. Again, it will be named the Tiffany Joslyn Juvenile Accountability Block Grant Reauthorization and the Bullying Prevention and Intervention Act of 2015 -- 2016, excuse me. Thank you.

Chairman Goodlatte. And without objection the document will be made a part of the record.

[The information follows:]

548 ******* COMMITTEE INSERT ******

549	Mr. Conyers. Mr. Chairman, I yield back any time of
550	mine that may be remaining.
551	Chairman Goodlatte. The chair thanks the gentleman. A
552	question occurs on the amendment to the amendment in the
553	nature of substitute.
554	All those in favor respond by saying aye.
555	Those opposed, no.
556	In the opinion of the chair, the ayes have it, and the
557	amendment is agreed to.
558	Are there any other amendments to the amendment in the
559	nature of a substitute?
560	The question is on the amendment in the nature of a
561	substitute to H.R. 68.
562	All those in favor respond by saying aye.
563	Those opposed, no.
564	In the opinion of the chair, the ayes have it, and the
565	amendment is agreed to.
566	A reporting quorum being present, the question is on
567	the motion to report the bill H.R. 68 as amended favorably
568	to the House.
569	All those in favor respond by saying aye.
570	Those opposed, no.
571	The ayes have it, and the bill, as amended is ordered
572	reported favorably.
573	Members will have 2 days to submit views. Without

574	objection, the bill will be reported as a single amendment
575	in the nature of a substitute incorporating all adopted
576	amendments, and staff is authorized to make technical and
577	conforming changes. This concludes our business for today.
578	Thanks to all our members for attending and the markup is
579	adjourned.
580	Ms. Jackson Lee. Thank you, Mr. Chairman.
581	[Whereupon, at 11:55 a.m., the committee was adjourned
582	subject to the call of the chair.]
583	